

UNCLASSIFIED



Joint Program Executive Office for Chemical and Biological Defense

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Communications with Offerors



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Bottom-Line Up Front

- Industry partners requested the governments direction on when PMs must stop market research efforts, i.e. one-on-one communications, with focus on future solicitations
- JPEO-CBD PMs (requiring activities) may not discuss pending solicitations once the sources sought (SS) notice is released. Office calls and one-on-one are still allowed but requirements with newly released SS notices may not be discussed. The PM will direct all questions/issues/comments to the contracting officer.
- Guidance is per Army Contracting Command and CECOM's Legal office



Back Up



Communications with Offerors

- **IAW OMB Memo “Myth-Busting”: Addressing Misconceptions to Improve Communication, Dated February, 2, 2011**
- **Prior to issuance of the solicitation, government officials – including the program manager, users, or contracting officer – may meet with potential offerors to exchange general information and conduct market research related to an acquisition.**
- **FAR Part 15, encourages exchanges of information with interested parties during the solicitation process, ending with the receipt of proposals, however:**
 - The government ethics rules and Competition in Contracting Act, (10 U.S.C. § 2304), prohibit preferential treatment of one vendor over another.
 - Where vendor interaction is expected to include contract terms and conditions, any one-on-one meetings/conversations should include, or at least be coordinated with, the contracting officer (FAR 15.201).
 - After the solicitation is issued, the contracting officer shall be the focal point for these exchanges. (Special rules govern communications with offerors after receipt of proposals; that situation is addressed on the following slide)



Communications with Offerors

- After the release of the Solicitation, IAW DoD Source Selection Procedures Guide 1.4.2 , specifically 1.4.2.2.6 & 1.4.2.2.7
 - “The PCO serves as the SINGLE point OF CONTACT FOR ALL SOLICITATION-RELATED INQUIRIES FROM ACTUAL OR PROSPECTIVE OFFERORS.
 - After receipt of proposals, the PCO controls exchanges with offerors in accordance with FAR 15-306”.
 - It IS the PCOs responsibility to conduct the Source Selection and control the receipt and dissemination of information.
- FAR 15.205 Issuing Solicitations **and FAR 15.206 Amending Solicitations, it is implied** that all communication goes through the CO.
 - The CO is responsible for:
 - Being the bridge between the Gvt technical team and the Offerors
 - Issuing all Requests for Information
 - Issuing Solicitation modifications/Revisions
 - Posting updated information to the Solicitation